

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STEPHEN E. ALEXANDER,

Plaintiff,

v.

TONI MELI, et al.,

Defendants.

ORDER

Case No. 17-cv-585-jdp

On July 28, 2017, I assessed plaintiff Stephen E. Alexander an initial partial payment of \$12.19 due by August 21, 2017. Now plaintiff has submitted a motion to use plaintiff's release account to pay the \$12.19 initial partial filing fee. Dkt. #6. I will grant plaintiff's motion.

Pursuant to 28 U.S.C. § 1915(b)(1), prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). Therefore, if sufficient funds do not exist in plaintiff's regular account to pay his initial partial payment, he can use his release account to pay the initial partial payment balance.

ORDER

IT IS ORDERED that:

1. Plaintiff Stephen E. Alexander's motion to use his release account funds to pay the \$12.19 initial partial filing fee is GRANTED. Plaintiff is to submit a check or money

order made payable to the clerk of court in the amount of \$12.19 or advise the court in writing why plaintiff is not able to pay on or before September 6, 2017.

2. If by September 6, 2017, plaintiff fails to pay the \$12.19 initial partial filing fee or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.

Entered this 4th day of August, 2017.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge